CONSTITUTION

OF THE

SUN'AQ TRIBE OF KODIAK

ADOPTED
OCTOBER 4, 1988

AMENDED
DECEMBER 8, 1988

AMENDED
DECEMBER 10, 2004

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PREAMBLE

We, the members of the SUN'AQ TRIBE OF KODIAK, in order to establish a more perfect tribal government, to preserve and exercise the Tribe's inherent rights and powers, to conserve and develop tribal lands and resources pursuant to tribal law and custom and federal law, to promote our Community's social, economic, spiritual and political progress and to establish justice, make for ourselves this Constitution.

Article I. Name

This Tribe shall be called the "SUN'AQ TRIBE OF KODIAK."

Article II. Territorial Jurisdiction

The jurisdiction of the Sun'aq Tribe of Kodiak shall extend to all persons and territory in and around the area known as Sun'aq including all areas customarily and traditionally used by tribal members for hunting, fishing and other subsistence activities, to the full extent permitted by federal and tribal law.

Article III. Membership

Section I: General Membership.

All descendants of the original Koniagmiut People of the Sun'aq' shall be eligible for membership in the Tribe; and all persons enrolled in the Kodiak Tribal Council, Inc. At the time of federal recognition for the Sun'aq Tribe of Kodiak shall be automatically enrolled as members in the Tribe.

Section II. Exclusive Membership

No person shall be eligible for membership in the Tribe if such person is also a member of any other Native American tribe.

Section III. Membership and Enrollment Rules

The Tribal Council shall, by ordinance, establish rules and procedures for the enrollment of members to the Tribe consistent with the provisions of this Constitution. All persons rejected for membership shall have a final right of appeal to the Secretary of the Interior.

Section IV. Loss of Membership

Any Tribal Member may relinquish his or her membership in writing.

Section V. New Membership

Any person who has lost his or her membership may be made a tribal member upon such terms and conditions as may be established pursuant to an enrollment ordinance adopted in accordance with the provisions of this Article; and any person of Alaska Native or Native American decent who lives within the jurisdiction of the Sun'aq Tribe of Kodiak for at least one year and intends to remain in the area shall be admitted to membership upon application.

Section VI. Membership and Enrollment Rules

The Tribal Council shall adopt an ordinance establishing rules and procedures for membership and enrollment, consistent with the provisions of this Constitution.

Article IV. Governing Body

Section I. Tribal Council and Officers

The Governing Body of the Sun'aq Tribe of Kodiak shall be known as the Tribal Council. The Council shall consist of seven (7) members who shall be elected by a majority vote of the qualified members of the Tribe at the annual election. The Council shall include a Chairman, Vice Chairman, Secretary/Treasurer, and four (4) council members. The Officers shall be elected by the tribal council from among its members at their first organization meeting.

Section II. Eligibility

Any enrolled member of the Tribe eighteen (18) years of age or older, shall be qualified to seek and hold membership on the Tribal Council, provided that he or she has been living in the community for at least one year directly preceding the election.

Section III. Term

The seven (7) council members shall be elected by secret ballot for terms of three (3) years each and such terms shall be staggered. Beginning with the 2003 election, a three year cycle of three (3) year terms of office shall proceed and repeat as follows: 1st year of the cycle two (2) council seats shall be placed on the ballot; 2nd year of the cycle two (2) council seats shall be placed on the ballot; 3rd year of the cycle three (3) council seats shall be placed on the ballot. Seats vacated through resignation, death or removal shall be placed on the ballot for a normal three year term. Each council member shall serve until his/her successor has been seated.

Section IV. Council Meetings

The Tribal Council shall meet every other month on a date and place to be fixed by action of the Tribal Council, and at such other times and places as may be designated by action of a majority of the Tribal Council or by the Chairman. A quorum to transact business shall consist of at least four (4) Council members shall vote on all motions, resolutions and ordinances. The Tribal Council shall keep a complete and accurate record of all proceedings, including reports of actions taken at every meeting.

Section V. Oath of Office

Before entering upon their official duties, all members of the Tribal Council and all other Tribal Officers shall take and subscribe to the following oath or affirmation to be administered by a qualified officer.

"I, _____, do solemnly swear (or affirm) that I will support the laws and Constitution of the Sun'aq Tribe of Kodiak and the Constitution of the United States and will faithfully discharge the duties of my office according to the best of my ability."

Section VI. Forfeiture

Any member of the Tribal Council who submits a written resignation, or is convicted of a felony, while in office, or is absent for three successive monthly Tribal Council meetings without being excused by the Tribal Council, shall automatically forfeit his or her office.

Section VII. Removal

Any member of the Tribal Council found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or any offense involving dishonesty may be removed from office by the Tribal Council by the affirmative votes of at least five (5) Tribal Council members voting by secret ballot, provided that such member shall first be given ten days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. No member of the Tribal Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this section shall be resolved by the Tribal Council and the decision of the Tribal Council is final.

Section IX. Vacancies

Vacancies on the Tribal Council shall be filled by the Tribal Council by appointment and person so appointed shall serve until the next general election.

Article V. General Membership Meetings

A meeting of the general membership may be called at any time by the Tribal Council, provided that the Tribal Council shall call such a meeting at least once a year. A general membership meeting shall be called by the Tribal Council upon receipt of the petition specifically requesting such a meeting signed by no less than ten percent of the eligible

voters. The Tribal Council shall adopt an ordinance establishing rules and procedures for general membership meetings. At such meetings the general membership shall furnish its advice to the Tribal Council.

Article VI. Elections

Section I. General Elections

The Tribal Council shall set a date each year for regular elections in the community, and shall give at least thirty (30) days notice of such meetings, posted in a public place and publicly advertised in the local newspaper.

Section III. Voter Qualifications

Any member of the Tribe eighteen (18) years of age or older shall have the right to vote in all Tribal elections, provided that he or she has been living in the community for at least sixty (60) days directly proceeding the election.

Section IV. Election Ordinance

The Tribal Council shall adopt an ordinance establishing rules and procedures to govern all aspects of voter registration, election protests.

Article VIII. Powers of the Tribal Council

Section I. Powers

The Tribal Council shall exercise the following powers by appropriate motion, resolution or ordinance, subject to any limitations imposed by the Constitution or applicable statues of the United States:

a. To negotiate with Federal, State, local governments and others on behalf of the Tribe and to advise and consult with the representatives of the Department of the Interior and other Federal and State agencies on all activities which may affect the Tribe.

b. To promote and protect the health, education and general welfare of the members of the Tribe, including its children, and to administer charity and such other services as may contribute to the social and economic development of the community and its members.

c. To levy taxes or license fees.

d. To regulate the internal procedures of the Tribal Council.

e. To encourage, guard, and foster traditional cultural practices of the Kodiak Native People, including the arts, crafts, religion, language and customs of the Native People of Kodiak.

f. To authorize or direct subordinate boards, committees, or Tribal officials, to administer the affairs of the Tribe and to carry out the directives of the Tribal Council.

g. To manage, lease, exchange acquire or otherwise deal with Tribal property and to protect and preserve Tribal property and the wildlife and natural resources within those areas under the jurisdiction of the Tribe.

h. To administer any funds within the control of the Tribe.

i. To engage in Tribal economic development enterprises for the benefit of Tribal members.

j. To provide for the maintenance of law and order and the administration of justice, including through the establishment of appropriate civil and criminal Tribal courts.

k. To safeguard and promote the peace, safety, morals, physical and general welfare of members of the Tribe.

l. To employ legal counsel.

m. To prescribe the rules and procedures necessary to give affect to any provision of this Constitution.

Section II. Reserved Powers

All rights and powers not delegated to the Tribal Council in this Constitution are reserved to the people and may be exercised by the members of the Tribe through the adoption of amendments to this Constitution.

Section III. Annual Report

The Tribal Council shall make an annual report of its activities, including a budget report, to the general membership at the annual general membership meeting.

Section IV. Actions of the Tribal Council

Except as provided in Article IV Section VII of this Constitution, all ordinances, resolutions and motions shall be acted upon by the Tribal Council by a roll call vote in public, and the vote of each member shall be recorded. All Tribal Council proceedings involving personnel issues.

Section V. Ordinances

All enacted ordinances shall be made available for public inspection at the Tribal office.

Article IX. Amendments of the Constitution

This Constitution may be amended by a majority vote of the qualified voters of the Tribe at an election in which at least twenty percent (20%) of the qualified voters take part. The Chairman shall call such an election on a proposed constitutional amendment at the request of five (5) of the seven (7) Tribal Council members or upon petition of twenty percent (20%) of all members of the Tribe eighteen (18) years of age or older.

Article X. Bill of Rights

Section I.

The Tribe shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition for the redress of grievances.

Section II.

The Tribe shall not violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized.

Section III.

The Tribe shall not subject any person for the same offense to be twice put in jeopardy.

Section IV.

The Tribe shall not compel any person in any criminal case to be a witness against himself.

Section V.

The Tribe shall not take any private property for a public use without just compensation.

Section VI.

The Tribe shall not deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed to the nature and cause of the accusation, to be confronted with the witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.

Section VII.

The Tribe shall not require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any punishment or penalty greater than imprisonment for a term of one (l) year or a fine of $5,000.00 or both.

Section VIII.

The Tribe shall not deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

Section IX.

The Tribe shall not pass any bill of attainder or ex post facto law.

Section X.

The Tribe shall not deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Christopher Helms, Chairperson

Heather Parker, Secretary/Treasurer

Attest: Robert Polasky, Tribal Administrator

1/25/05